

# **Exhibit B**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: CATHODE RAY TUBE ) No. 3:07-cv-05944-SC  
(CRT) ANTITRUST LITIGATION ) MDL No. 1917

)

)

This Document Relates to: )

)

ALL ACTIONS )

)

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VIDEOTAPED DEPOSITION OF ALAN S. FRANKEL, Ph.D.  
Los Angeles, California  
Thursday, July 10, 2014

Reported by:  
SHANDA GABRIEL  
CSR No. 10094

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ALL ACTIONS )

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Videotaped deposition of ALAN S. FRANKEL,  
Ph.D., taken on behalf of the Defendants at  
2049 Century Park East, Los Angeles, California,  
commencing at 9:07 a.m., Thursday, July 10, 2014,  
before SHANDA GABRIEL, CSR No. 10094.

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16 JULIAN SHINE, VIDEOGRAPHER  
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25

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1           A.   It's -- it's likely.   But unless you can do   17:48:07  
2   the analysis, you don't know for sure.                   17:48:10

3           MR. ADELSON:   Thank you.   That's all for       17:48:15  
4   me.   17:48:16

5           THE VIDEOGRAPHER:   Do we want to go off the   17:48:20  
6   record while we switch?                               17:48:23

7           MR. SILBERFELD:   Anybody else coming this   17:48:26  
8   way?   17:48:28

9   17:48:53

10   EXAMINATION                   17:48:53

11          BY MS. BRASS:                                       17:48:53

12           Q.   Hi.   I'm Rachel Brass for the Chunghwa   17:48:54  
13   Picture Tubes defendants.                               17:48:58

14           A.   Hello.                                       17:48:58

15           Q.   Dr. McClave did not separately compute any   17:48:59  
16   overcharge for the CPT defendants, correct?           17:49:04

17           A.   I don't know what you mean.   He separately   17:49:08  
18   calculated a CPT overcharge separate from a CDT       17:49:12  
19   overcharge.   17:49:16

20           Q.   Let me rephrase.                            17:49:16

21                   He computed one overcharge for all       17:49:18  
22   defendants, correct, for CPT and for CDT?               17:49:21

23           A.   For all defendants for all CDT sales was my   17:49:25  
24   understanding.   17:49:32

25           Q.   Correct.   And he didn't attempt to       17:49:32

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1 separately calculate an overcharge for the Chunghwa 17:49:34

2 Picture Tubes defendants, correct? 17:49:38

3 A. That's my understanding. 17:49:42

4 Q. And you did not attempt to separately 17:49:43

5 calculate an overcharge for the Chunghwa Picture 17:49:44

6 Tubes defendants, correct? 17:49:47

7 A. I didn't separately calculate an overcharge 17:49:47

8 for anybody. 17:49:51

9 Q. Great. 17:49:51

10 Did you make any attempt to identify the 17:49:56

11 specific size of tubes that Chunghwa Picture Tubes 17:49:57

12 sold? 17:50:00

13 A. No. Well -- no, I did not. 17:50:00

14 Q. And you testified that you did not attempt 17:50:03

15 to determine which of the plaintiffs you wrote a 17:50:08

16 report for bought CRT products containing CRT tubes 17:50:11

17 manufactured by Chunghwa Picture Tubes, correct? 17:50:17

18 A. Just in the aggregate allocation method 17:50:20

19 that we discussed earlier today. 17:50:22

20 Q. Did you do any specific analysis of whether 17:50:23

21 any of the direct vendors appearing in Exhibit 15 of 17:50:29

22 any of your reports actually sold to any plaintiffs 17:50:33

23 any products containing either color display tubes 17:50:37

24 or color picture tubes manufactured by Chunghwa 17:50:41

25 Picture Tubes? 17:50:45

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1           A. Well, I haven't numerically analyzed that       17:50:45  
2       question. But as a qualitative matter, there's a       17:51:09  
3       high likelihood if Chunghwa was manufacturing tubes   17:51:15  
4       that were incorporated into CRT products in the       17:51:19  
5       world, that among the tens of millions of such       17:51:24  
6       products that the plaintiffs collectively bought for   17:51:28  
7       which I've written reports, that some of those had   17:51:32  
8       Chunghwa tubes. But I haven't made any attempt to   17:51:35  
9       identify them.   17:51:37

10           Q. You've made no quantitative analysis of       17:51:38  
11       that question, correct?                                   17:51:40

12           A. Just in the market share sense that I've       17:51:41  
13       talked about.   17:51:43

14           Q. Okay. I'll ask you about that in a minute.   17:51:43

15                 Did you take into account, for example,       17:51:45  
16       that there's no evidence that Chunghwa sold CRTs of   17:51:48  
17       any kind, color picture tubes or color display       17:51:54  
18       tubes, to any Mitsubishi entity listed in the direct   17:51:56  
19       vendor names in, say, Exhibit 15 of the Best Buy       17:52:00  
20       report related to Best Buy -- I mean, sorry, to       17:52:05  
21       Mitsubishi or NEC or Packard Bell NEC.                   17:52:08

22                 Did you examine that at all?                   17:52:14

23           MR. SMITH: Objection. Form.                       17:52:15

24           THE WITNESS: No, I didn't. I did not.           17:52:16

25           BY MS. BRASS:   17:52:18

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1 Q. Do you know if CPT sold tubes to any Zenith 17:52:18  
2 entity? 17:52:21

3 A. I do not know. 17:52:21

4 Q. Do you know which entities Chunghwa Picture 17:52:22  
5 Tubes sold tubes to? 17:52:24

6 A. No, I have not done that analysis. 17:52:26

7 Q. Turning then to the market share 17:52:29  
8 adjustments that you made, do you know what Chunghwa 17:52:30  
9 Picture Tubes' market share was in the U.S. for 17:52:36  
10 picture tubes over 21 inches? 17:52:40

11 A. I do not. 17:52:44

12 Q. Did you take its market share in various 17:52:47  
13 sizes of tubes into account in your qualitative or 17:52:50  
14 quantitative analysis? 17:52:56

15 A. I don't believe I've seen data on their 17:52:57  
16 market shares by size, so I did not. 17:53:02

17 Q. Do you know what their share of tube -- 17:53:04  
18 picture tubes over 22 inches worldwide was during 17:53:10  
19 the period that you computed damages for? 17:53:14

20 A. No. 17:53:15

21 Q. And did you separately compute pass-through 17:53:17  
22 for tubes -- never mind. We'll strike that. 17:53:24

23 Did you attempt to break out Chunghwa's CDT 17:53:32  
24 market share distinct from other CRT manufacturers 17:53:35  
25 in any way? 17:53:39



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## DECLARATION

I hereby declare I am the deponent in the within matter; that I have read the foregoing deposition and know the contents thereof, and I declare that the same is true of my knowledge except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe it to be true.

I declare under the penalties of perjury of the State of California that the foregoing is true and correct.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ 2014, at \_\_\_\_\_, California.

\_\_\_\_\_  
ALAN S. FRANKEL

1        STATE OF CALIFORNIA             )  
    ) ss.

3

7 I am the deposition officer that  
8 stenographically recorded the testimony in the  
9 foregoing deposition;

12           The foregoing transcript is a true record  
13   of the testimony given.

19 Dated July 22, 2014.

20

21

22

23

24 SHANDA GABRIEL

25 CSR 10094